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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/753,076	12/29/2000	James H. Wang	11302-1060 (44040-251537)	3501
7590 01:05/2005 BRINKS HOFER GILSON & LIONE P.O. Box 10087 Chicago, IL 60610			EXAMINER MULLIS, JEFFREY C	
			ART UNIT	PAPER NUMBER

1711

DATE MAILED: 01/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No. 09/753,076	Applicant(s) WANG ET AL.	
	Examiner Jeffrey C. Mullis	Art Unit 1711	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 16 December 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☒ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: SEE ATTACHMENT.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 1,2,5-11,17-20 and 25-28.

Claim(s) objected to: _____.

Claim(s) rejected: 12,15,16 and 21-24.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Jeffrey C. Mullis
J Mullis
Art Unit: 1711

ATTACHMENT TO ADVISORY ACTION

Applicants' arguments filed 12-16-04 have been fully considered but they are not deemed to be persuasive.

Applicants' amendment has not been entered since the specification as filed does not provide support for the word "derivative" in the context in which applicants attempt to introduce this word. While the term "derivative" in the context of original claim 17 is supported, the specification as filed does not disclose anything regarding grafting with derivatives of 2-hydroxyethyl methacrylate except wherein grafting of poly(-hydroxybutyrate-co-beta-hydroxyvalerate) takes place. It is noted furthermore that claim 21 as applicants have attempted to amend it not only recites grafting of derivatives of 2-hydroxyethyl methacrylate but also recites grafting using derivatives of polyethylene glycol methacrylate. Claim 17 as originally filed also recites nothing about this and applicants' limitation in claim 21 would also be new matter for this reason. Applicants' amendment has therefore not been entered.

With regard to claim 17 as originally filed, it is noted that the subject matter of this claim does not appear in the specification as filed and therefore applicants should insert the subject matter of original claim 17 into the specification. However insertion of the subject matter of instant claim 17 would

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not provide support for applicants' proposed amendment changing the word "analog" to "derivatives" but would merely provide proper antecedent basis for claim 17 as originally filed. While the claims as amended in applicants' proposed after final amendment would be allowable over the prior art (as are the claims as are officially of record as of the mailing of this Office action), there is no support for applicants' amendment.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey Mullis whose telephone number is (571) 272-1075. The examiner can normally be reached on Monday-Friday from 9:30 to 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck, can be reached on (571) 272-1078. The fax phone number for this Group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-0994.

J. Mullis:cdc

December 28, 2004

JEFFREY C. MULLIS
PRIMARY EXAMINER
GROUP 1200

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